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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.	
10/790,646	03/01/2004	Naum Sapozhnikov		9759	
7:	590 01/26/2005		EXAMINER		
Naum Sapozhnikov			HARTMANN, GARY S		
1550 N. Poinsettia Pl. apt. 210 Los Angeles, CA 90046			ART UNIT	PAPER NUMBER	
3,			3671		
			DATE MAILED: 01/26/2005		

Please find below and/or attached an Office communication concerning this application or proceeding.

		Application No.	Applicant(s)			
Office Action Summary		10/790,646	SAPOZHNIKOV, NAUM			
		Examiner	Art Unit			
		Gary Hartmann	3671			
	- The MAILING DATE of this communication app		orrespondence address			
Period fo	• •					
THE - Exte after - If the - If NC - Failu Any	ORTENED STATUTORY PERIOD FOR REPLY MAILING DATE OF THIS COMMUNICATION. nsions of time may be available under the provisions of 37 CFR 1.1: SIX (6) MONTHS from the mailing date of this communication. e period for reply specified above is less than thirty (30) days, a reply openiod for reply is specified above, the maximum statutory period the toreply within the set or extended period for reply will, by statute reply received by the Office later than three months after the mailing ed patent term adjustment. See 37 CFR 1.704(b).	36(a). In no event, however, may a reply be tim y within the statutory minimum of thirty (30) day vill apply and will expire SIX (6) MONTHS from , cause the application to become ABANDONE	nely filed s will be considered timely. the mailing date of this communication. D (35 U.S.C. § 133).			
Status						
1) 又	Responsive to communication(s) filed on 22 No	ovember 2004.				
•	This action is FINAL . 2b) This action is non-final.					
3)	Since this application is in condition for allowance except for formal matters, prosecution as to the merits is					
	closed in accordance with the practice under <i>Ex parte Quayle</i> , 1935 C.D. 11, 453 O.G. 213.					
Disposit	ion of Claims					
4)	Claim(s) 5-21 is/are pending in the application.					
٠,٠	4a) Of the above claim(s) is/are withdrawn from consideration.					
5)□	Claim(s) is/are allowed.					
·	Claim(s) is/are rejected.					
· · · · · · · · · · · · · · · · · · ·	Claim(s) is/are objected to.					
8)⊠	Claim(s) 5-21 are subject to restriction and/or	election requirement.				
Applicat	ion Papers					
9) 又	The specification is objected to by the Examine	r.				
	10)⊠ The drawing(s) filed on <u>22 November 2004</u> is/are: a)⊠ accepted or b)□ objected to by the Examiner.					
,	Applicant may not request that any objection to the	drawing(s) be held in abeyance. See	e 37 CFR 1.85(a).			
	Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).					
11)[The oath or declaration is objected to by the Ex	caminer. Note the attached Office	Action or form PTO-152.			
Priority (under 35 U.S.C. § 119					
12)	Acknowledgment is made of a claim for foreign	priority under 35 U.S.C. § 119(a))-(d) or (f).			
	☐ All b)☐ Some * c)☐ None of:					
	1. Certified copies of the priority document	s have been received.				
	2. Certified copies of the priority document	s have been received in Applicati	on No			
	3. Copies of the certified copies of the prior	rity documents have been receive	ed in this National Stage			
	application from the International Bureau	·				
* (See the attached detailed Office action for a list	of the certified copies not receive	ed.			
Attachmen		A) 🗖 Indonésia 0	(DTO 412)			
1) Notice of References Cited (PTO-892) 4) Interview Summary (PTO-413) Paper No(s)/Mail Date						
3) Infor	mation Disclosure Statement(s) (PTO-1449 or PTO/SB/08) or No(s)/Mail Date	5) Notice of Informal F 6) Other:	Patent Application (PTO-152)			

Application/Control Number: 10/790,646

Art Unit: 3671

DETAILED ACTION

The amendment filed November 22, 2004 has necessitated the following restriction.

Election/Restrictions

Restriction to one of the following inventions is required under 35 U.S.C. 121:

- I. Claims 5-13 and 19-21, drawn to a pavement, classified in class 404, subclass 31.
- II. Claims 14-18, drawn to a method of making, classified in class 404, subclass 75.

 The inventions are distinct, each from the other because of the following reasons:

Inventions I and II are related as process of making and product made. The inventions are distinct if either or both of the following can be shown: (1) that the process as claimed can be used to make other and materially different product or (2) that the product as claimed can be made by another and materially different process (MPEP § 806.05(f)). In the instant case the process does not require the asphalt surface course.

Note that if the method is elected, it is recommended that the preamble, "method of making of concrete of pavement," be changed in order to avoid a claim objection since the three recitations of "of" does not make grammatical sense.

Because these inventions are distinct for the reasons given above and have acquired a separate status in the art as shown by their different classification, restriction for examination purposes as indicated is proper.

Applicant is advised that the reply to this requirement to be complete must include an election of the invention to be examined even though the requirement be traversed (37 CFR 1.143).

Art Unit: 3671

Specification

The abstract of the disclosure is objected to because it refers to the purported merits of the invention. Correction is required. See MPEP § 608.01(b).

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gary Hartmann whose telephone number is 703-305-4549. The examiner can normally be reached on Monday through Thursday, 9am-7pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thomas Will can be reached on 703-308-3870. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Gary Hartmann Primary Examiner Art Unit 3671